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San Luis Obispo County  
Pension Trust  

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*SLOOPT*

# **SAN LUIS OBISPO COUNTY PENSION TRUST**

## **EMPLOYEE POLICIES AND PROCEDURES**

**Adopted June 25, 2012**

**Amended May 20, 2024  
Effective May 20, 2024**

# **SAN LUIS OBISPO COUNTY PENSION TRUST**

## **EMPLOYEE POLICIES AND PROCEDURES**

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# ARTICLE 1 INTRODUCTION

## **Section 1.1     Employee Policies & Procedures Handbook**

The purpose of this handbook is to provide San Luis Obispo County Pension Trust (SLOCPT) staff with guidance on major aspects of the Trust’s Human Resources policies and procedures. It shall be the duty of all SLOCPT employees to comply with and support the provisions of this Handbook and such internal management memoranda as the Executive Director shall issue.

This Handbook supersedes and replaces all previous personnel policies, practices, work rules, and guidelines, including the San Luis Obispo County Civil Service Ordinance and Rules. SLOCPT reserves full discretion to add to, modify, or delete provisions of this Handbook, or the policies and procedures on which they may be based, at any time, following the amendment procedure contained herein. In the event of any change to the policies set forth herein, all employees will receive notification from the Executive Director detailing the changes made.

This Handbook has been reviewed and adopted by the SLOCPT Board of Trustees (the Board). If any part of these policies and procedures is deemed illegal, unenforceable, or void for any reason, it will not affect the validity of the remaining portion. As a condition of employment, each employee is required to review the policies and procedures and execute the acknowledgment of receipt at the end of the Handbook. Additionally, annually employees will be required to acknowledge an understanding of Article 4 of this Handbook in conjunction with completing harassment training. (Exhibit A).

## **Section 1.2     Applicability**

This Employee Handbook applies to all employees of SLOCPT.

## **Section 1.3     Adopting Authority**

The Employee Policies & Procedures contained herein have been adopted pursuant to Resolution 2012-03 of the Board of Trustees adopted June 25, 2012, and any subsequent amendments.

## **Section 1.4     References to County Ordinance and Reliance on County Policies**

SLOCPT is an independent agency separate from the County of San Luis Obispo (the County) and is generally not subject to the County Civil Service rules or ordinances. Nonetheless, in recognition of the SLOCPT Board’s direction for consistency between many SLOCPT and County employee policies, and a desire to minimize the length and level of detail in this document where possible, certain sections of the County’s ordinances are referred to herein and incorporated by reference when applicable. Any conflicts between the County’s ordinances and these Employee Policies and Procedures shall be construed in favor of the Policies and Procedures.

## **Section 1.5     Amendments to This Policy**

All amendments to the policies in this document shall be made only through the approval of the SLOCPT Board consistent with the requirements to the extent applicable under applicable statutes.

## **ARTICLE 2 EMPLOYMENT**

### **Section 2.1. Employee Status**

#### **2.1.1 Definitions:**

2.1.1.1 Full-Time Employee: An employee who is regularly scheduled to work eighty (80) hours per pay period. A regular full-time employee is eligible for benefits as described in this Handbook.

2.1.1.2 Part-Time Employee: An employee who is regularly scheduled to work seventy-two (72) hours or less per pay period. Regular part-time employees are eligible for benefits only as specifically described in this Handbook.

2.1.1.3 Temporary or Student Intern Employee: An employee who has been hired for a specified period of time or a specific project.

2.1.1.4 Exempt Employee: Exempt employees are those employees who are exempt (as defined by the Fair Labor Standards Act (FLSA)) from earning overtime compensation.

2.1.1.5 Salaried Employee: Salaried employees are those who are paid a fixed amount periodically and not by the hour. Salaried employees include all “exempt” employees as defined above.

2.1.1.6 Contracts for Employment: Each Contract for Employment is position-specific and may differ from other Contracts for Employment used by SLOCPT. The position(s) subject to Contracts for Employment include the Executive Director and such other positions as the Board may designate.

#### **2.1.2 Terms of Employment:**

All employment at SLOCPT is “at the will” of both parties. SLOCPT or the employee may terminate the employment relationship “at will” and there is no expressed or implied property right to a position with SLOCPT. SLOCPT retains the right to demote, discipline, change job duties, or alter the terms of employment, at any time, as provided herein. No one other than the SLOCPT Board has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy. Any such agreement must be in writing and approved by the SLOCPT Board.

### **Section 2.2 Management Authority**

#### **2.2.1 Introduction:**

The Executive Director is hired by the SLOCPT Board and is responsible for the administration of and adherence to the personnel system and may delegate any such powers and duties to any other officer or employee. The Executive Director, or designee, shall have the authority to appoint, promote, transfer, discipline, and terminate any employee of SLOCPT following the procedures set forth herein. SLOCPT, acting by and through the Executive Director, reserves to itself the exclusive authority to: determine the administrative goals and objectives of SLOCPT; set standards of performance; determine the procedures and standards of selection for employment and promotion; direct employees; take disciplinary action; lay off employees due to lack of work, funding, or other legitimate reasons; maintain the efficiency of SLOCPT’s activities; determine the methods, means, and personnel by which SLOCPT’s activities are to be conducted; determine the content of position classifications; and exercise control and discretion over the organization and the equipment and technology required to perform it

goals and objectives. The Executive Director shall report at least annually, or more frequently as necessary, to the Board or a duly appointed Personnel Committee of the Board on the status of personnel issues and relations within SLOCPT.

### **2.2.2 Change in Employment Assignments:**

SLOCPT reserves the right to change the job assignment of any employee within their current job classification at any time.

### **2.2.3 Hiring Powers:**

The Executive Director and any other positions designated by the Board are hired by and serve at the pleasure of the Board according to their Contracts for Employment. All other employees of SLOCPT are hired by the Executive Director and are subject to the policies and procedures contained in this Handbook, as well as all other SLOCPT policies, rules, practices, and procedures.

### **2.2.4 Reduction in Work Force (Layoff):**

Whenever, in the judgment of the Executive Director or the SLOCPT Board, it becomes necessary to reduce the number of positions, the Board may abolish a position or positions, and if necessary, reduce personnel by laying off employees. Determination of which classifications to reduce shall be at the sole discretion of the SLOCPT Board.

2.2.4.1 Determination of which employees to lay off shall be at the sole discretion of the Executive Director, based first on financial, organizational, and programmatic needs. After the employees eligible for layoff have been determined, layoff shall occur in the following order:

- a. Employees working in the affected classes who have received an unsatisfactory performance evaluation in the three (3) years preceding the written notice of layoff shall be laid off first.
- b. Employees working in the affected classes who have received a below-expectations performance evaluation in the prior eighteen (18) months shall be laid off next.
- c. Remaining employees working in the affected classes shall be laid off in reverse order of time in service.

2.2.4.2 Written Notice: Written notice of layoff shall be served to affected employees in person or by certified letter mailed to the last address on file with SLOCPT. Notice will be served or mailed at least twenty-one (21) calendar days before the effective date of the separation. Notice shall be deemed served upon personal service or, in the case of certified mail, upon mailing.

2.2.4.3 Demotion in Lieu of Layoff: Upon approval of the Executive Director, an employee may elect to voluntarily demote to a lower paid position for which the employee is qualified in order to avoid layoff.

2.2.4.4 Layoff Not Subject To Appeal: Decisions of the SLOCPT Board regarding which classifications will be reduced and decisions of the Executive Director regarding which employees to lay off shall not be subject to appeal.

## **Section 2.3 Personnel Records**

### **2.3.1 Official Personnel Records:**

The Executive Director, or their designee, shall be responsible for maintaining a paper or electronic official personnel file for each employee.

2.3.1.1 Content of Official Personnel File: The file shall include, but not be limited to the following information:

- Original application materials

- Employment contracts, if applicable
- Information regarding change of Employee Status or Classification
- Performance Evaluations
- Disciplinary and other performance memoranda
- Letters of appreciation
- Copies of Licensure required for employee's position
- Leave of absence forms and return to work forms as long as no medical information appears on the form.
- Academic or training certificates related to the employee's position

2.3.1.2 Excluded Content: The following documents shall not be placed in an employee's official personnel file:

- I-9 Forms
- Any medical evaluation information, medical notes from a physician or documentation regarding an employee's medical condition
- Pension Trust forms
- Any documentation with EEO statistics or other protected status information.
- Any references attached to a resume
- Any documentation prohibited from an employee's file by law

### **2.3.2 Confidential Medical File:**

Medical information must not be placed in an employee's official personnel file. SLOCPT shall maintain a confidential medical file for each employee that is kept physically separate from the employee's official personnel file. The confidential medical file shall contain the following:

- Family/Medical leave request forms if the employee has disclosed the nature of their illness
- Return to work releases with any information regarding the employee's condition or prognosis
- Workers' compensation records
- Medical information about the employee related to reasonable accommodation under the Americans with Disabilities Act or Fair Employment and Housing Act
- Any documentation related to a fitness for duty examination or determination
- Any other medical information

### **2.3.3 Employee review of personnel files:**

Employees or their authorized representative(s) have the right to review the contents of their official personnel file. Requested records will be reviewed by the Executive Director, or designee, before release. Employees or their representative(s) do not have the right to review the contents of the confidential medical file. SLOCPT shall keep a record of all inspections of employee records by persons other than the Executive Director or their authorized representative. Such record shall include employee name, date, and name and signature of the person reviewing the employee file.

### **2.3.4 Change of Status Notification:**

Employees have the responsibility of notifying the Executive Director, or designee, of any information regarding a change in status, such as telephone number, address, or marital status.

### **2.3.5 Confidentiality of Employee Records:**

The confidentiality of employee records shall be maintained by designated SLOCPT personnel. These records shall only be made available to individuals specifically authorized by this policy or by the

Executive Director. No personnel file will be removed from the Personnel area except by the Executive Director or their designee.

The employee or their authorized representative(s) (as evidenced by written authority approved by the General Counsel and the Executive Director) has the right to inspect their personnel file at reasonable times and on reasonable notice. In addition, employees have the right to request copies of all employment-related documents they have signed. An employee may inspect only their personnel file and only in the presence of a supervisor or the Executive Director, or their designee.

Personnel files are the property of SLOCPT and may not be removed from SLOCPT's premises without written authorization from the Executive Director.

### **2.3.6 Employment References:**

It is the policy of SLOCPT that professional references will not be given for current and former employees except by the Executive Director or their designee. Except for the Executive Director or their designee, SLOCPT staff will not answer any questions on the work performance of a former employee, evaluate the former employee's work habits or personality traits, nor divulge information concerning current or former SLOCPT employees. A personal character reference, unrelated to employee performance, may be given if requested.

## **Section 2.4 Work Regulations**

### **2.4.1 Personal Telephone Calls:**

Personal telephone calls, whether on SLOCPT phones or personal mobile phones, are to be limited to essential matters and kept as brief as possible. Continued excessive use of phones for personal matters is subject to disciplinary action.

### **2.4.2 Smoking:**

SLOCPT prohibits smoking or the use of smokeless tobacco products in the workplace. Smoking is prohibited within the confines of any SLOCPT office and prohibited within 20 feet of SLOCPT buildings. Smoking will be permitted out of doors only in an area designated by the Executive Director. All cigarettes or other smoking devices or materials are to be extinguished and properly disposed of before entering any SLOCPT office.

### **2.4.3 Dress and Grooming Standards:**

SLOCPT considers the presentation of SLOCPT's image to its clients, customers, and the public at large to be extremely important. Employees are required to dress in a manner that reflects professionalism and demonstrates respect for the workplace. This entails ensuring that clothing is clean, neatly presented, and in good condition. It is advised to avoid overly casual or revealing attire. Additionally, shoes should be clean, polished, and suitable for a professional environment. Maintaining good personal hygiene and grooming standards is essential. While expressing individual style is encouraged, it should be done within the parameters of professionalism. When selecting attire, use a 'dress for your day' logic. When making presentations, having significant interactions, important events, or meetings, it is advisable to dress slightly more formally.

### **2.4.4 Employment of Relatives:**

Relatives of employees shall not be hired by SLOCPT. "Relatives" are defined as spouses, persons

residing in the same household, children, siblings, parents, and persons related by marriage or domestic partnership. The only variance to the above policy of not hiring relatives shall be in the case of temporary intern positions in which case the temporary intern shall not be directly supervised by a relative.

#### **2.4.5 Use of Technology and Networks:**

All employees using SLOCPT computing and information resources are expected to act responsibly and professionally by complying with all policies, relevant laws, and contractual agreements related to computers, networks, software, computer information, and data to which an employee has access. All employees shall comply with all acceptable use policies adopted by SLOCPT. The acceptable use policies adopted by SLOCPT shall be those currently in effect of San Luis Obispo County unless otherwise specified.

#### **2.4.6 Conflicts of Interest:**

Employees are expected to devote their best efforts and attention to the full-time performance of their jobs. They are expected to use good judgment, adhere to high ethical standards, and avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of SLOCPT. A conflict of interest exists where the employee's loyalties or actions are divided between SLOCPT's interests and those of another, such as a business, individual, or another public agency with which SLOCPT's interests may conflict. Both the fact and the appearance of a conflict of interest should be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with their immediate supervisor or the Executive Director for clarification. Any exceptions to this guideline must be approved in writing by the Executive Director. For the purposes of this section, the Conflict of Interest Code currently adopted by SLOCPT shall be in effect unless otherwise specified.

While it is not feasible to describe all possible conflicts of interest that could develop, some of the more common conflicts, from which employees should refrain, include the following:

- Accepting personal gifts or entertainment (including meals) from regulated entities or individuals; developers, consultants, or anyone seeking to implement a project in the County; recipients or applicants for SLOCPT grants; other public agencies; customers, suppliers, or potential suppliers;
- Working for any individual, business, or entity with which SLOCPT interests may conflict, including those listed above;
- Having a direct or indirect financial interest in or relationship with any individual, business, or entity with which SLOCPT's interests may conflict, including those listed above;
- Engaging in self-employment in competition with SLOCPT;
- Using proprietary or confidential SLOCPT information for personal gain or to SLOCPT's detriment;
- Using SLOCPT assets or labor for personal use;
- Acquiring any interest in property or assets of any kind to sell or lease it to SLOCPT;
- Unauthorized commitment of SLOCPT financial or staff resources or other support to any outside activity or organization;
- Developing a personal relationship with a subordinate employee of SLOCPT that might interfere with the exercise of impartial judgment in decisions affecting SLOCPT or any employees of SLOCPT.

If an employee or someone with whom an employee has a close relationship (a family member or close companion) has a financial or employment relationship with a supplier, potential supplier, customer, business, individual or another public agency, with which SLOCPT's interests conflict the employee must disclose this fact in writing to the Executive Director. Employees should be aware that if they



enter into a personal relationship with a subordinate employee or with an employee of a supplier, potential supplier, customer, business, individual, or another public agency, with which SLOCPT's interests conflict, a conflict of interest may exist which requires full disclosure to SLOCPT.

Employees planning to engage in outside employment must first disclose such employment to the Executive Director to ensure it does not pose a conflict of interest or is otherwise incompatible with SLOCPT or its mission. Such outside employment may not take place during normal working hours at SLOCPT for the employee or on SLOCPT premises.

Failure to adhere to this guideline, including failure to disclose any conflicts or to seek an exception, will result in discipline, up to and including termination of employment.

Additionally, certain employees may be required to file annual Statements of Economic Interest with SLOCPT. Designated Employees will be notified.

No employee shall use the authority, information or privileges associated with their position for personal gain. Evidence of using a position for personal gain may be interpreted as a breach of terms of employment and serve as a basis for discipline up to and including termination.

#### **2.4.7 Security/Violence in the Workplace:**

As a matter of policy, SLOCPT will not tolerate violent acts or threats of violence, whether verbal, written, or implied, towards employees by other SLOCPT employees, clients, or members of the public. For purposes of this policy, "violence" includes any willful touching of a person in a harmful, threatening, or unwanted way. A "threat" of violence includes any statement, course of conduct, or other action that would cause a reasonable person to believe that violence may occur. Any incident of violence or threat of violence by any SLOCPT personnel or any other person should be reported promptly to the employee's supervisor, the Executive Director, or the SLOCPT Human Resources representative. Supervisors or any other employee of SLOCPT who receives complaints or who observes conduct in violation of this policy shall inform the Executive Director immediately.

#### **2.4.8 Drug-Free Workplace Policy:**

It is the policy of SLOCPT that employees shall not have their ability to perform their jobs impaired as a result of the use of drugs or alcohol. In addition, employees shall not possess or have under their control, any alcohol or illegal drugs while conducting business on behalf of SLOCPT.

2.4.8.1 Over-the Counter Medications: Nothing in this policy is intended to prohibit the customary and ordinary purchase, possession, or use of over-the-counter drugs, as long as their use does not violate any law or result in an employee being impaired by the use of such over-the-counter drugs.

2.4.8.2 Prescription Medications: The use of medically prescribed medication or drugs is not per se a violation of this policy. However, employees are urged to notify their supervisors, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties or operation of SLOCPT equipment. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

2.4.8.3 Impaired Behavior: An employee reasonably believed to be working impaired and endangering their own safety or the safety of others, shall be prevented from engaging in further work until he or she can be safely transported from the work site. In addition, upon approval of the Executive Director, any employee reasonably believed to be working impaired may be directed to submit to a drug and alcohol test. Employees who are directed to submit to a drug and alcohol test must do so within one hour of the request. Any Employee who refuses to submit to a drug

and alcohol test after being directed shall be subject to discipline for insubordination. Any Employee who attempts to delay or falsify a drug and alcohol test after being directed to comply shall be presumed to have failed the drug and alcohol test and shall be subject to possible discipline.

2.4.8.4 Disability Considerations: SLOCPT is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped under applicable federal and/or state law.

2.4.8.5 Violation of Policy: Violation of this policy may result in discipline up to and including possible termination. An employee who is convicted of a crime that violates this policy will be deemed to have violated this policy.

## **Section 2.5 Work Week and Work Schedules**

### **2.5.1 Workweek Defined:**

For payroll, the Fair Labor Standards Act, and salary calculation the workweek shall begin at 12:00 a.m. on Sunday and will end at 11:59 p.m. on Saturday. Forty hours shall constitute a regular workweek for a full-time employee. For the purpose of this document, a working day is Monday through Friday, excluding paid holidays. An alternative work schedule may be authorized by the Executive Director.

### **2.5.2 Normal Work Hours:**

In general, the business needs of SLOCPT require full-time employees to be present at work for a normal work week between the hours of 8:00 AM and 5:00 PM Monday through Friday exclusive of holidays. An alternative work schedule may be authorized by the Executive Director. Employees shall be entitled to one 15-minute paid break during each four hours worked. Normal unpaid lunch breaks of one hour are typically expected in each full-time day. A minimum unpaid lunch break of 30 minutes is generally required by statute for any work period longer than six hours for non-exempt employees and must be taken by the fifth hour of the work period.

### **2.5.3 Short Term Flexibility in Work Hours – “Make-Up Time”:**

In limited circumstances with the approval of the employee’s supervisor or the Executive Director, employees may deviate from their normal work hours on a sporadic basis to tend to personal business. Such absences may be covered by applicable leave as discussed in Section 2.6 of this handbook, accrued compensatory time off hours, or may be covered by make-up time. Make-up time is additional time worked within the same 40-hour workweek to offset the absence and may include shortened lunch breaks or additional time worked before or after the normal work hours.

### **2.5.4 Assignment of Work Schedules:**

The Executive Director or their designee has sole discretion to assign the work schedule of all employees working for SLOCPT. At least 24 hours advance notice shall be provided for any short-term or temporary reassignment of work schedule; at least 14 days advance notice shall be provided for any long-term reassignment of work schedule.

### **2.5.5 Overtime and Compensatory Time in Lieu of Overtime:**

Non-exempt status employees shall receive either compensatory time off or pay, both calculated at time and one-half (1½) for all authorized overtime worked. Nothing in this section shall be deemed to preclude the Executive Director from establishing reasonable guidelines to be followed by employees

when electing compensating time off or pay.

2.5.5.1 Overtime and overtime pay shall be defined and calculated under the provisions of the Fair Labor Standards Act. In general, "overtime" means the time spent in the performance of work ordered or authorized by the Executive Director and/or their designee which is more than forty productive hours worked in any work week. Productive hours include only regular time worked and do not include holidays, compensatory time off, vacation, sick, administrative, personal, or other leave.

Non-exempt employees may only work overtime that has been approved by their supervisor, the Executive Director, or an authorized designee. In the rare event that overtime must be worked, and prior approval is not feasible, the employee shall notify their supervisor, the Deputy Director, or the Executive Director as soon as reasonable.

Exempt employees are not eligible for overtime pay.

2.5.5.2 Use of compensatory time off shall be regulated by the same policies for the use of vacation time as described in this policy document.

2.5.5.3 Employees eligible to receive compensatory time off may accumulate up to a maximum of one hundred twenty hours (120) of compensatory time off for eighty (80) hours of overtime worked. When an employee has accumulated the maximum allowable compensatory time, any overtime worked thereafter will be paid at the rate of time and one-half (1½). Compensatory time will not be lost if not used in the year it was earned. At the time of separation from service, unused compensatory time off shall be paid out at the straight-time rate.

2.5.5.4 Employees traveling to and from locations outside of San Luis Obispo County that involve SLOCPT matters in which the employee is required to attend as a condition of their employment is expected to do so within the hours available during a normal 40-hour work week, if feasible and practical. If not feasible or practical, and travel time results in greater than 40 hours worked, such time will be compensated with paid time off or other pay as specified above. Seminars, conferences, and related events are generally considered to be a privilege and not a condition of employment. Employees who wish to attend such events are expected to arrange for transportation and travel time during normal SLOCPT working hours to the extent possible. Time spent driving or as a passenger in an airplane, a train, a bus, a taxicab or car, or other mode of transportation for traveling on an overnight out-of-county business-related trip shall be compensable as hours worked regardless of whether the travel falls within the employee's normal work hours.

## **2.5.6 Standby/Call-Back:**

In general, employees are not required to serve on standby. From time to time, however, emergencies and/or other tasks may require the use of standby or callback. In practical application, actual time spent is coded according to regular, overtime, or compensation time policies.

2.5.6.1 Standby: "Standby" means that period of time during which an employee is required by the Executive Director or designee to be available for return to work within a reasonable length of time on a weekend or holiday, and therefore requires the employee to:

- be ready to respond in a reasonable time to calls for service;
- be readily available at all hours by telephone, or other communication devices, and;
- refrain from activities that might impair assigned duties upon call.

Standby duty shall be assigned in writing and shall be compensated at the rate of five (5) dollars for

each twenty-four-hour standby shift. An employee shall not receive standby pay for hours worked or for hours reimbursed by a call-back minimum.

2.5.6.2 Call-Back: Any employee on standby who is “called back” to work by management or by circumstances that require a return to work shall be paid or earn compensating time at a minimum of one (1) and one-half hours pay or shall be paid for all time worked.

### **2.5.7 Remote Work Locations:**

In general, the expected work location for employees is at SLOCPT offices. Remote work locations using online technology, such as “Work From Home (WFH)”, may be authorized by the Executive Director and on an established schedule approved by the Executive Director or their designee. Unscheduled WFH events to accommodate employee short-term needs may be authorized on an ad hoc basis.

Not all positions/classifications are suitable for teleworking, and not all employees perform satisfactorily in a teleworking arrangement. Teleworking is not an employee right, but rather, is available to those employees who work in positions wherein SLOCPT has determined it is beneficial and/or consistent with operational business needs. Teleworking may be modified or revoked by the Executive Director at any time.

## **Section 2.6 Leave Policies**

The following procedures and policies shall apply to employees requesting and taking time off work. No employee may code paid leave over the balance available at the end of the previous pay period. No paid leave shall be taken until such time it is earned.

### **2.6.1 Sick Leave:**

Sick leave may be taken for the purposes described in San Luis Obispo County Code Section 2.44.060. Employees who call in sick shall notify their supervisor by telephone that they are ill and unable to report to work. Such notification shall be made as early as possible in the day and reasonable effort must be made by the employee to speak directly with the supervisor. If an employee is unable to contact their supervisor, they should leave a message and attempt to contact another supervisor or fellow staff member directly. Continuous sick leave periods of three (3) or more days may require certification from a medical provider.

### **2.6.2 Vacation Leave:**

All vacation requests shall be considered and granted at the discretion of the Executive Director or their designee. All requests for vacation leave of more than one (1) day shall be made in writing. Requests to take vacation time of one (1) day or less may be handled verbally with the employee’s supervisor and shall be made a minimum of two (2) working days before the start of the leave. Vacation requests of two (2) or three (3) days shall be made at least one (1) week before the start of the employee’s vacation. Vacation requests of more than three (3) days shall be made at least twice as many workdays before the number of vacation days being requested (e.g. – one week of vacation must be requested at least two weeks in advance; two weeks of vacation must be requested at least four weeks in advance). The advance notice requirement may be relieved, if warranted, at the discretion of the Executive Director or their designee on a case-by-case basis. The use of paid vacation time during periods of sick leave shall be at the discretion of the Executive Director.

### **2.6.3 Administrative Leave, Personal Leave, and Compensatory Time Off:**

The use of Administrative Leave, Personal Leave, and Compensatory Time shall be governed by the

policies governing the use of Vacation Leave.

#### **2.6.4 Voluntary Time Off:**

The use of Voluntary Time Off shall be at the sole discretion of the Executive Director and shall comply with any applicable policies established by SLOCPT and shall be administered consistent with the policies of the County.

#### **2.6.5 Leave of Absence Without Pay:**

The use of Leave of Absence Without Pay shall be at the sole discretion of the Executive Director in the best interest of SLOCPT. All requests for leave without pay shall be in writing and shall include a description of the reason for the request. The advance timing of the request shall follow the protocol required for vacation leave unless the request is for a medical or emergency purpose.

#### **2.6.6 Leave of Absence With Pay for Jury Duty:**

Leave of Absence With Pay for Jury Duty shall be administered consistent with San Luis Obispo County Code Section 2.44.080 and the policies of the County.

#### **2.6.7 Leave of Absence for Military Service:**

Leave of Absence for Military Service shall be administered consistent with San Luis Obispo County Code Section 2.44.040(c) and the policies of the County.

#### **2.6.8 Family and Medical Leave Act / California Family Rights Act:**

Leave of absence under the Family and Medical Leave Act and California Family Rights Act shall be governed by the provisions of applicable state and federal laws. To administer leaves under the provisions of this act, the following policies shall apply:

- **Coding Paid Leave Balances:** Employees must code available paid leave balances to the extent possible during FMLA/CFRA leave. Such coding shall be at the rate of the employee's normal schedule. If an employee is receiving State Disability Insurance or California Paid Family Leave, they must code that amount, which supplements the State paid benefit, to equal the employee's normal pay (Commonly known as coordinating pay).
- **Calculating Eligibility:** SLOCPT uses a rolling twelve (12) month period from the date leave is used to determine qualification for FMLA leave.
- **Medical Certification:** Medical certification must be provided when taking FMLA/CFRA leave for a serious medical condition of the employee or to care for the serious medical condition of a qualifying relative. Certification that the employee is fit to return to work shall be required for employees who take FMLA/CFRA leave for a serious medical condition.

**ARTICLE 3  
COMPENSATION AND BENEFITS**

**Section 3.1     Compensation**

**3.1.1 Regulation of Compensation by the SLOCPT Board:**

Compensation of all employees of SLOCPT shall be determined by the SLOCPT Board of Trustees except as otherwise required by law. The Executive Director shall maintain a salary table that includes all active classification titles and a corresponding six (6) step pay scale for each classification. The SLOCPT Board of Trustees shall establish the first step for each classification in the table, also known as the salary range. When a classification used by SLOCPT has an equivalent in the San Luis Obispo County classification system, the pay scale set by the SLOCPT Board shall be the same as the pay scale established by the County. Employees shall be paid a base salary, no less than step 1 and no greater than step 6 of the salary range approved by the SLOCPT Board for the classification to which they are appointed.

**3.1.2 Administration of the compensation plan:**

The Executive Director shall have the discretion to set the salary of an employee at any step within the salary range approved by the SLOCPT Board for the classification to which the employee is appointed, subject to the following conditions:

3.1.2.1     The Executive Director may appoint a new employee at any step of the salary range for the classification to which the employee is appointed.

3.1.2.2     Any employee who is promoted to a classification with a higher salary range shall receive a salary increase to a step in the new salary range that is no less than four (4) percent greater than the pay previously received. In no case shall the new salary exceed the highest step of the salary range.

3.1.2.3     Upon receiving an overall “Meets Expectations” or better performance evaluation, the Executive Director may grant an employee a salary increase to any step in the salary range. In no case shall the new salary exceed the highest step of the salary range. The performance evaluation may be regular, probationary, or special.

3.1.2.4     Upon receiving an overall “Below Expectations” or “Unacceptable” performance evaluation, the Executive Director may reduce an employee’s salary to a lower step in the salary range. In no case shall the new salary be below step 1 of the salary range. The performance evaluation may be regular, probationary, or special. Such salary reduction shall be subject to the provisions of Article 7 (Disciplinary Actions) of this policy.

3.1.2.5     An employee who voluntarily demotes to avoid layoff or due to personal reasons may be placed at any step in the salary range of the new classification by the Executive Director without a concurrent performance evaluation.

**3.1.3 Compensation – Payment Procedures:**

Policies and procedures for payment of compensation shall be consistent with the general provisions of San Luis Obispo County Code Section 2.48.034 and the policies of the County. Payment of compensation shall be on the same calendar schedule as that used by the County.

## **Section 3.2     Benefits**

### **3.2.1 Leave Benefit Accrual and Administration:**

Accrual and administration of leave benefits shall occur as follows:

3.2.1.1     Sick Leave: The accrual and payout of sick leave benefits shall be consistent with the general provisions of San Luis Obispo County Code Section 2.44.060 and the policies of the County.

3.2.1.2     Vacation Leave: The accrual and payout of vacation leave benefits shall be consistent with the general provisions of San Luis Obispo County Code Section 2.44.050 and the policies of the County.

3.2.1.3     Administrative Leave and Personal Leave: The accrual of administrative leave and personal leave shall be consistent with the general provisions of San Luis Obispo County Code Section 2.44.055 and the policies of the County.

3.2.1.4     Holiday Leave: Holiday leave benefits shall be administered consistent with the general provisions of San Luis Obispo County Code Section 2.44.070 and the policies of the County. Holiday leave for part-time permanent employees shall be prorated based on paid hours from the prior two (2) pay periods, which include both sick and vacation hours, in relation to total hours. Leave Without Pay (LWOP) hours are unpaid hours and are included in the calculation to determine total hours but are excluded from paid hours.

### **3.2.2 Other Benefits and Administration:**

Other forms of employee compensation including, but not limited to, cafeteria benefits, healthcare, life insurance, wellness, tuition reimbursement, etc. shall be as consistent as is practically possible with the policies of the County as they apply to the comparable job classifications used for establishing compensation under Section 3.1.1 of this handbook.

## **ARTICLE 4**

### **EQUAL OPPORTUNITY, DISCRIMINATION, AND HARASSMENT**

#### **Section 4.1      General Policy Statement**

The Board of Trustees of SLOCPT maintains a strong commitment to support equal employment opportunity and to prohibit and prevent discrimination, harassment, and retaliation in employment. SLOCPT sets forth this procedure for reporting, investigating, and resolving internal complaints related to discrimination, harassment, and retaliation. All covered individuals are encouraged to report, as soon as possible, any conduct that is believed to violate this policy. Such conduct need not rise to the level of a violation of law to violate this policy. Conduct that may lead to discrimination, harassment, or retaliation violates this policy and will not be tolerated. Violation of this policy by any officer, employee, agent, or volunteer shall be grounds for discipline or other appropriate sanctions. In support of this policy, all employees of SLOCPT shall receive discrimination and harassment prevention training and acknowledge their understanding of this section of the Handbook on an annual basis. (Exhibit A)

#### **Section 4.2      Equal Employment Opportunity**

SLOCPT maintains and promotes a policy of equal employment opportunity. SLOCPT is committed to maintaining a work environment that is merit based, and free from illegal discrimination. The Board of Trustees, its managers, employees, agents, and volunteers will not discriminate against any applicant for employment, employee, contractor, subcontractor, vendor, or client because of age, ancestry, color, creed, marital status, medical condition (cancer or genetic characteristics), national origin, physical or mental disability, political affiliation or belief, pregnancy, race, religion, sex/gender (includes pregnancy, childbirth, breastfeeding and/or related medical conditions), sexual orientation, gender expression, military or veteran status, or any other legally protected status.

This policy shall apply to all employment actions including, but not limited to: recruitment, testing, hiring, training, promotion, demotion, transfer, layoff, discipline, salary and benefits administration, and participation or appointment to all boards and commissions. All employment decisions shall be made based on individual qualifications, bona fide occupational qualifications for the job in question, and the feasibility of any necessary job accommodations. Reasonable accommodations will be provided to qualified employees and applicants who require them.

##### **4.2.1 Discriminatory Harassment:**

It is the policy of SLOCPT that all employees shall have a working environment free of unlawful discrimination. A businesslike workplace helps to ensure courteous treatment for both employees and the public we serve. Harassment of an applicant or employee by any employee or officer based on age, ancestry, color, creed, marital status, medical condition (cancer or genetic characteristics), national origin, physical or mental disability, political affiliation or belief, pregnancy, race, religion, sex/gender (includes pregnancy, childbirth, breastfeeding and/or related medical conditions), sexual orientation, gender expression, military or veteran status, or any other legally protected status is employee misconduct that constitutes illegal discrimination and is grounds for disciplinary action up to and including termination. This includes harassment which constitutes unacceptable behavior even if it is not considered unlawful. Employees also must not harass anyone for opposing discrimination or for participating in the discrimination complaint process. SLOCPT requires that all employees and officers treat the public and other employees with courtesy and respect.

Discriminatory Harassment includes unwelcome derogatory comments, physical acts, and written or visual insults which are made based on an employee's actual or perceived protected status (race, religion,



etc.) It can be against the law when the harassing conduct unreasonably interferes with an employee's work performance by creating an intimidating, hostile, or offensive working environment or when it adversely affects an individual's employment opportunities.

Because SLOCPT seeks to prevent any form of illegal harassment, behavior such as unnecessary touching, sexual or discriminatory remarks, or joking, which may lead to illegal harassment, will not be tolerated and shall be the basis for discipline.

#### **4.2.2 Sexual Harassment:**

It is the policy of SLOCPT that all employees shall have a working environment free of sexual harassment. A businesslike workplace helps to ensure courteous treatment for both employees and the public we serve. Sexual harassment of an applicant or employee by any employee or officer is employee misconduct that constitutes illegal discrimination and is grounds for disciplinary action up to and including termination. Similarly, retaliation against an employee for submitting complaints of alleged sexual harassment is a violation of this policy and cause for discipline up to and including termination. SLOCPT requires that all employees treat the public and other employees with courtesy and respect.

Sexual Harassment includes unwelcome sexual overtures by any officer, employee, supervisor, or manager, whether written, verbal, physical, or visual where submission is made a term or condition of employment or the basis of an employment decision. Sexually harassing conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Basic forms of sexual harassment include but are not limited to:

- Offers of employment rewards for sexual favors, including threats of employment punishment if sexual activities are not engaged in—also termed "quid pro quo" harassment.
- Creating an intimidating, hostile, threatening, and/or offensive work environment through verbal acts, physical acts, and graphic displays that interfere with an individual's job performance.
- Retaliation against an employee for submitting complaints of alleged sexual harassment.

Because SLOCPT seeks to prevent any form of illegal harassment, behavior such as unnecessary touching, sexual or discriminatory remarks, or joking, which may lead to illegal harassment, will not be tolerated.

#### **4.2.3 Workplace Bullying**

It is the policy of SLOCPT that all employees shall have a working environment free from bullying. A businesslike workplace helps to ensure courteous treatment for both employees and the public we serve. Workplace bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Examples of bullying include:

- Verbal bullying: Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting, or humiliating; using a person as a target of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying: Non-verbal gestures that can convey threatening messages.  
Exclusion: Purposefully socially or physically excluding or disregarding a person in work-related activities.

### **Section 4.3     Reporting Discrimination or Harassment**

Any incident of harassment, including work-related harassment by any SLOCPT personnel or any other person, should be reported promptly to the employee's supervisor, Executive Director, Deputy Director, or SLOCPT Human Resources representative. Supervisors who receive complaints or who observe harassing conduct shall inform the proper authority immediately. SLOCPT emphasizes that an employee is not required to complain first to their supervisor if that supervisor is the individual who is harassing the employee; rather a complaint about the employee's supervisor should be made to the Executive Director, Deputy Director, or SLOCPT Human Resources representative.

Every reported complaint of harassment will be investigated thoroughly and promptly. Every possible effort will be made to assure the confidentiality of complaints made under this policy. However, due to the obligation to fully investigate complaints and the subsequent responsibility to take effective remedial action, total anonymity cannot be guaranteed. As a result, confidentiality will be maintained to the fullest extent possible depending on the circumstances surrounding the violation. In addition, SLOCPT will not tolerate retaliation against any employee for cooperating in an investigation, or for making a complaint, and will take measures to protect victims from further harassment.

In addition to notifying SLOCPT about harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (DFEH) and/or the Equal Employment Opportunity Commission (EEOC), which has the authority to conduct investigations of the facts. Employees can contact the nearest DFEH office at the locations listed on SLOCPT's DFEH poster or by checking the state government listings online.

Disciplinary action for a violation of the policies described in Article 4 of these policies and procedures can range from verbal or written warnings up to and including immediate termination, depending upon the circumstances.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, imposition of discipline, and social and recreational programs. It is the responsibility of all SLOCPT personnel to conscientiously follow this policy. Any employee having any questions regarding this policy should be discussed with the Executive Director, Deputy Director, or SLOCPT Human Resources representative.

### **Section 4.4     Policy Against Retaliation**

SLOCPT prohibits any adverse employment action against those who in good faith report or support someone who reports violations of SLOCPT policy or State/federal law, otherwise opposes conduct they reasonably believe to be violations, or engages in other legally protected activity. SLOCPT further prohibits retaliation against anyone who participates (as a witness or subject) in investigations into complaints of alleged misconduct. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. Any consultant or contractor who violates this policy will be subject to appropriate sanctions. This policy applies to all SLOCPT officers, employees, volunteers, contractors, and vendors, and prohibits retaliation because of any of the protected activity as defined here

## **ARTICLE 5 RECRUITMENT, SELECTION AND CLASSIFICATION**

All employee selections and promotions shall be made according to merit, qualifications, and job requirements. The policies and procedures outlined below are consistent with policies regarding Equal Opportunity Employment.

### **Section 5.1 Recruitment**

Whenever a position vacancy occurs, it may be filled in one of the following three ways as determined by the Executive Director:

- Open Recruitment – A competitive examination process in which all interested persons are eligible to apply for a vacant position.
- Internal Recruitment – A competitive examination process in which only current SLOCPT employees are eligible to apply for a vacant position.
- Direct Appointment – Upon approval of SLOCPT Board, a position may be filled through direct appointment.

#### **5.1.1 Duration of Recruitments:**

All open recruitments must be announced to the general public for a minimum of five (5) working days. All internal recruitments must be announced to SLOCPT employees for a minimum of ten (10) working days. The Executive Director may authorize extending a previously established final filing date.

#### **5.1.2 Recruitment Announcement:**

All open recruitments and internal recruitments shall, at a minimum, be announced through an “Employment Opportunities” page and be available to the public upon request. Announcement of all internal recruitments shall be emailed to all SLOCPT employees. The recruitment announcement shall, at a minimum, include the title of the position, the salary range, the minimum qualifications for admission to the examination process, and the final filing date.

#### **5.1.3 Applications:**

Persons interested in employment or promotion with SLOCPT must submit an application for employment using the systems and methods prescribed by the contractor providing recruitment services as approved by the SLOCPT Board. Applications shall be accepted until 11:59 p.m. of the final filing date. False information on an application may be considered grounds for removal from the examination or, if already employed, may be considered grounds for termination of employment.

#### **5.1.4 Minimum Qualifications:**

All employees shall meet the minimum qualifications of the position to which they are assigned and shall possess and maintain licensure as required in the job specifications. Only applicants who meet the minimum qualifications for the job (as described in the job specifications) may compete in the examination process. Applicants who do not meet the minimum qualifications shall be notified as such and shall have five (5) working days from the date of the notice to provide additional information to be considered in the minimum qualifications determination.

## **Section 5.2     Selection**

Except for a direct appointment approved by the SLOCPT Board, the selection and promotion of employees by the Executive Director shall be by a competitive examination.

### **5.2.1 Examination Process:**

Applicants that meet the minimum qualifications of the job and are eligible to compete in the examination process shall be considered to be “candidates”. All open recruitments or internal recruitments must include one or more competitive examination elements. These elements may include, but are not limited to: oral examination, competitive application rating, written test, practical performance test, or any other valid and reliable examination method. All examination elements shall be job related and based on merit principles. After the examination process, all candidates shall be placed on an eligible list in rank order based on their final score on the examination, including veteran’s preference. An eligible list shall remain in effect for no less than ninety days from its creation.

5.2.1.1     Exam notification: Candidates shall be notified of their results in any element of an examination in which they participated. Such notification shall, at a minimum, include whether they passed or failed that element of the examination. After the examination process, every candidate who passed the test shall be notified of their ranking on the eligible list.

5.2.1.2     Examination records: Records of a competitive examination shall be maintained for a period of not less than one (1) year. Examination materials are confidential and are not subject to direct review by candidates.

5.2.1.3     Veterans Preference: A candidate who competes in open recruitment and has on file with the San Luis Obispo County Veterans Services office an acceptable Veterans Preference certificate shall, upon being placed on the eligible list, have an additional five percent (5%) of the maximum possible score on the examination added to their final score. If the candidate is recognized for Veterans Preference and is declared by the U.S. Veterans Administration to be ten percent (10%) or more disabled due to military service, the candidate shall have an additional ten percent (10%) of the maximum possible score added to their final score.

### **5.2.3 Interview of Certified Candidates:**

Upon establishment of the eligible list and before filling a position, the Executive Director shall at a minimum invite the top three (3) ranks of candidates on the eligible list to be interviewed. Subsequent ranks may be invited for an interview, however in no instance may ranks be skipped. Failure of a candidate to respond to an invitation for an interview shall be considered a decline to interview.

## **Section 5.3     Recruitment and Selection Services**

SLOCPT may contract with third-party providers of recruitment and selection services. The third-party service provider shall have broad discretion in the interpretation of SLOCPT policies related to recruitment and selection to ensure adherence to merit principles and equal opportunity in employment. The provisions of this article shall be interpreted to allow for conformance with third-party systems and processes. Applicants and candidates shall use the systems and comply with the requirements of the third-party service provider authorized by the SLOCPT Board.

## **Section 5.4    Classification**

SLOCPT shall prepare and maintain written job specifications identifying the factors and conditions that are essential characteristics of the class, including the minimum qualifications, typical duties, responsibilities, and tasks for each classification approved by the SLOCPT Board. All positions shall be assigned to an approved classification.

### **5.4.1 Approval of Job Specifications:**

Job Specifications for newly created classifications or revisions to job specifications for existing classifications must be submitted to and approved by the SLOCPT Board.

### **5.4.2 Upward Reclassification of Positions:**

When a position is in a defined classification series, an incumbent may be appointed to a higher level in the series if they meet the minimum qualifications for the new classification at the sole discretion of the Executive Director. Such reassignment of classification is known as a career series promotion. A career series promotion is a non-competitive promotion and an employee receiving a career series promotion shall serve a probationary period in the higher level position

## **ARTICLE 6**

### **EMPLOYEE PERFORMANCE EVALUATION**

The Executive Director shall establish, implement, and maintain an effective system for periodic evaluation of the performance and conduct of employees at SLOCPT. The objective of this system shall be to record the performance of employees during the past evaluation period, assist supervisors and their employees in measuring progress toward work goals, identify employee development needs, and establish a basis for personnel decisions.

#### **Section 6.1     Evaluation Procedure**

Following SLOCPT procedures and on forms approved by the Executive Director, supervisors shall evaluate, record, and report the performance of their employees. Performance evaluations shall be one of the following:

- Regular Evaluation: Employees shall receive an annual performance evaluation within 30 days of the individual employee's evaluation administration date which may include a specified calendar month for all employees or as specified in any applicable Contract for Employment.
- Special Evaluation: The Executive Director may, at their discretion, issue a special performance evaluation. All special performance evaluations shall be created and administered following the provisions of this Rule.

Each evaluation shall be discussed with the employee by their supervisor and the employee shall be given a copy of the evaluation report following the discussion. The employee shall sign the report last as an indication that the report was discussed with them. The employee shall have the right to review the performance evaluation report with the Executive Director or designated representative. The evaluation report shall be maintained in the employee's official personnel record.

#### **Section 6.2     Evaluation Rating Standards**

Performance evaluations shall be made following the following standards:

- 3 = Above Satisfactory / Outstanding: Work performance is at the highest level of competency for the job. 3 ratings must be substantiated in a written statement by the rater.
- 2 = Satisfactory: Work performance consistently meets the standard expected of a competent worker in that job.
- 1 = Unsatisfactory / Needs Improvement: Work performance is below the standard expected of a competent worker in that job due to the level of performance, frequency of occurrence, or critical importance of performing at standard. A 1 rating must be substantiated by the rater in a written statement that includes a performance improvement plan with a timeline for follow-up evaluation.

#### **Section 6.3     Review of Evaluation**

Employees receiving a performance evaluation with an overall rating of Unsatisfactory / Needs Improvement may request that the evaluation be reviewed consistent with this section. If, after discussing a performance evaluation with the rater and further reviewing the report with the Executive Director or designated representative, an employee disagrees with an overall rating of Unsatisfactory / Needs Improvement, the employee may request a review of the rating of Unsatisfactory / Needs Improvement by the third-party provider of Human Resources Services.

### **6.3.1 Appeal Procedure:**

Employees wishing a review of a performance evaluation of Unsatisfactory / Needs Improvement must submit a request in writing to the Executive Director within ten (10) working days of receiving such evaluation. Upon the receipt of a timely written request for review, the Executive Director shall forward the request for review within ten (10) working days to the SLOCPT Human Resources representative. Within 20 working days of receiving notification of the request, the SLOCPT Human Resources representative shall provide a Human Resources Analyst or equivalent position and conduct an informal review hearing. Time may be extended by mutual agreement of all parties and such agreement shall be in writing. The purpose of such a hearing is to allow both parties in the review to present their position and receive an objective opinion. Both parties may be represented and may present evidence as deemed appropriate by the individual hearing the review. Within ten (10) working days of the conclusion of the hearing, the individual presiding over the hearing will respond to both the Executive Director and the appellant with an advisory opinion and recommendation on the issue being heard.

### **6.3.2 Review Disputes:**

Any disputes regarding adherence to, or interpretation of processes and procedures outlined in this section shall be forwarded to the SLOCPT Human Resources representative. Within 20 working days of being contacted regarding a review process dispute, the third-party contractor shall assign a Human Resources Analyst or equivalent position to ascertain facts regarding the dispute and issue a determination to both parties. Such determination shall be final and not subject to further review.

## **Section 6.4     Retention of Evaluation Reports**

The performance evaluation report shall become a part of the official record of the employee and shall be placed in the employee's official personnel file. Performance ratings shall be considered confidential, only subject to review by persons appropriately authorized by the Executive Director, or as requested by the employee.

## **ARTICLE 7 DISCIPLINARY ACTIONS**

### **Section 7.1     Policy**

All Employees are expected to observe professional standards of job performance and conduct in support of the mission and vision of SLOCPT, and to show courtesy and respect to co-workers and the public. When performance or conduct does not meet the standards and expectations of SLOCPT, employees should be given an opportunity, when appropriate, to correct the deficiency. If, however, the employee fails to make the correction, they will be subject to discipline.

### **Section 7.2     Discipline Procedures**

The following corrective disciplinary procedures are established for employees. The purpose of this disciplinary procedure is to provide guidance for the quality performance management of employees and in no way modifies the at-will employment relationship as described in Article 2 of this policy.

#### **7.2.1 Informal Discipline:**

Informal discipline may be in the form of a Counseling Memorandum or progressively in the form of a Work Performance Memorandum or Reprimand. Determination of the appropriate level of informal discipline shall be at the discretion of the Executive Director or designee. Written records of informal discipline may be placed in an employee's official personnel file at the discretion of the Executive Director.

#### **7.2.2 Formal Discipline:**

Formal Discipline may be in the form of suspension, demotion (including reduction in pay), or termination. Written records of formal discipline shall be placed in an employee's official personnel file. Determination of the appropriate level of formal discipline shall be at the discretion of the Executive Director.

7.2.2.1     Demotion (including reduction in pay), Suspension or Termination: Any employee may be demoted, reduced in pay, suspended, or terminated by the Executive Director upon issuance of a Notice of Intent to Discipline followed by a Final Notice and Order of Discipline. The Notice of Intent and the Final Notice and Order shall be served upon the employee in person, by certified mail, or by other means confirming delivery at least ten (10) working days before the effective date. Service of the order shall be deemed complete upon personal service or in the case of certified mail, upon mailing.

7.2.2.1.1     Notice of Discipline: The Notice of Discipline shall include:

- a.     A statement of the action being taken;
- b.     The effective date of the action;
- c.     A statement of the reasons for the action;
- d.     A statement in ordinary language describing the conduct or performance upon which the discipline is based;

7.2.2.2     Review of Formal Discipline: An employee may request a review of an Order of Discipline through the SLOCPT Human Resources representative. A request for review of discipline shall be in writing to the Executive Director and shall include a detailed statement describing the reason for such a request. The written request for review must be received by SLOCPT no later than 5:00 pm on the tenth (10) working day after the effective date of the discipline.



7.2.2.3 Review Procedure: Upon the receipt of a timely written request for review, the Executive Director shall forward the request to the SLOCPT Human Resources Director within ten (10) working days. Within 20 working days of receiving notification of the request, the SLOCPT Human Resources representative shall provide a Human Resources Analyst or equivalent position and conduct an informal review hearing. Time may be extended by mutual agreement of all parties and such agreement shall be in writing. The purpose of such a review is to allow both parties in the matter to present their position and receive an objective opinion. Both parties may be represented and may present evidence as deemed appropriate by the individual presiding over the review. Within ten (10) working days of the conclusion of the review hearing, the individual presiding over the review will respond to both the Executive Director and the individual requesting the review with an advisory opinion and recommendation on the issue being heard. Within ten (10) working days of the advisory opinion and recommendation, the Executive Director shall notify the employee whether they will accept all, part, or none of the advisory opinion and recommendation.

7.2.2.4 Review Disputes: Any disputes regarding adherence to, or interpretation of process and procedures set forth in this section shall be forwarded within ten (10) working days to the SLOCPT Human Resources representative. Within 20 working days of being contacted regarding an appeal dispute, the SLOCPT Human Resources representative shall assign a Human Resources Analyst or equivalent position to ascertain facts regarding the dispute and issue a determination to both parties. Such determination shall be final and not subject to further appeal.

### **7.2.3 Immediate Suspension:**

The Executive Director may suspend with pay, an employee without prior notice if immediate suspension is essential to avert harm to SLOCPT, its agents, employees, or the public. The Executive Director may also suspend with pay, an employee without prior notice, during any investigation or pending disciplinary action

## **ARTICLE 8 GRIEVANCE PROCEDURE**

### **Section 8.1     Background and Scope**

Employees have the right to expect that employment decisions in SLOCPT service will be made based on merit and equal employment opportunity principles. It is the position of SLOCPT that all employees shall be treated fairly and with respect. The procedures described herein are intended for the use of employees working for SLOCPT and are limited in application to complaints of unfair treatment in employment or complaints alleging discrimination or harassment as defined in the Policy Against Harassment. Matters that require action by the SLOCPT Board are specifically excluded from this Grievance procedure.

### **Section 8.2     Grievance Procedure**

#### **8.2.1 Filing a Grievance:**

Employees of SLOCPT should attempt to resolve complaints or problems in a professional manner and at the lowest possible level. If attempts to resolve a complaint or problem are unsuccessful, an employee may file a formal grievance within 30 days of the incident that led to the complaint. The grievance must be in writing, explain the complaint or problem that led to the grievance, and suggest a resolution to the problem. A grievance must be submitted in a timely manner to the employee's supervisor, the Executive Director, Deputy Director, or the SLOCPT Human Resources representative.

#### **8.2.2 Grievance Step Process:**

An employee who files a timely grievance shall be afforded a fair and objective consideration of their complaint at all times during the grievance process. The following is the process for hearing a grievance. The time limits described below may be extended by mutual agreement and must be in writing. The Executive Director may choose to skip Step one (1) and/or Step two (2) of this process when the grievance is directed at the supervisor or the Executive Director. An employee may have a representative, who is not directly involved in the grievance, present at each step of the grievance step process.

**Step 1** – Supervisor Hearing: Within five (5) working days of filing a grievance, the employee's direct supervisor shall meet with the employee to hear the employee's concerns. Within five (5) working days of that meeting, the supervisor shall provide a written response to the employee's concerns.

**Step 2** – Executive Director Hearing: If the employee remains aggrieved following the supervisor's response to Step 1, they may proceed to Step 2 by notifying the Executive Director in writing within five (5) working days of the supervisor's written response. Within five (5) days of that notification, the Executive Director shall meet with the employee to hear the employee's concerns. Within five (5) days of that meeting, the Executive Director shall provide a written response to the employee's concerns.

**Step 3** – Human Resources Hearing: If the employee remains aggrieved following the Executive Director's response to Step 2, they may proceed to Step 3 by notifying the Executive Director in writing within five (5) working days of the written response to Step 2. Upon receiving a request to proceed to Step 3 of the grievance process, the Executive Director shall forward the request within ten (10) working days to the SLOCPT Human Resources representative. Within 20 working days of receiving notification of the grievance, the SLOCPT Human Resources representative shall provide a Human Resources Analyst or equivalent position and conduct an informal grievance hearing. The purpose of such a hearing is to allow both parties in the dispute to present their position

and receive an objective opinion. Both parties may be represented and may present evidence as deemed appropriate by the individual hearing the grievance. Within five (5) working days of the conclusion of the hearing, the individual hearing the grievance will respond to the Executive Director and the grievant with an advisory opinion and recommendation on the issue being heard.

### **Section 8.3     Grievance Disputes**

Any disputes regarding adherence to or interpretation of process and procedures set forth in this Article shall be forwarded within five (5) working days to the SLOCPT Human Resources representative. The SLOCPT Human Resources representative shall assign a Human Resources Analyst or equivalent position to ascertain facts regarding the dispute and issue a determination to both parties. Such determination shall be final and not subject to further appeal.

### **Section 8.4     Failure to Respond**

Should a Grievant fail at any time to proceed to the next step of the grievance process, it shall be deemed that the Grievant has withdrawn the grievance. If either the supervisor or the Executive Director fails to meet any time limit for response called for in these Rules, the grievance will be deemed unresolved and the Grievant may proceed to the next step.

EMPLOYEE ACKNOWLEDGEMENT FORM

I, \_\_\_\_\_ hereby acknowledge that:

- 1. I have received a copy of the Employee Policies & Procedures Handbook provided by San Luis Obispo County Pension Trust (SLOCPT).
- 2. I have read, understood, and agree to abide by the practices and procedures outlined in the Employee Policies & Procedures Handbook.
- 3. I have completed the annual Discrimination and Harassment Training as required by company policy.
- 4. I confirm that I have not been subject to discrimination or harassment within the past year.
- 5. I understand the protocol to report any instances of discrimination or harassment, and I am aware of the resources available to me for assistance and support in such situations.
- 6. I understand the importance of maintaining a respectful and inclusive workplace environment and am committed to upholding the principles of equality, respect, and dignity in all aspects of my work.
- 7. I acknowledge that it is my responsibility to familiarize myself with any updates or revisions to company policies and procedures and to seek clarification from the HR department if needed.

\_\_\_\_\_  
Initial

By signing below, I confirm that the information provided above is true and accurate to the best of my knowledge.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_